

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MATHEW TAYLOR,
Plaintiff,

vs.

LVNV FUNDING, LLC;
RESURGENT CAPITAL SERVICES, L.P.; and
TRANS UNION LLC;
Defendants.

CASE NO.

Judge
Magistrate Judge

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Trans Union, LLC (“Trans Union”) hereby removes the subject action from the Mahoning County Court of Common Pleas, State of Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division, on the following grounds:

1. Plaintiff Mathew Taylor served Trans Union on or about February 20, 2007, with a Summons and Complaint filed in the Mahoning County Court of Common Pleas, State of Ohio. Copies of the Summons and Complaint are attached hereto as **Exhibit A** and **Exhibit B**. No other process, pleadings or orders have been served on Trans Union.

2. Plaintiff alleges Trans Union (as well as the other Defendants) is “a consumer reporting agency as defined by section 1681(f) (sic) of the [Fair Credit Reporting Act]. Plaintiff’s Complaint, ¶ 4. Plaintiff further alleges that “Trans Union willfully and/or negligently failed to establish and/or follow reasonable procedures to assure maximum possible accuracy of the consumer reports it prepared and/or published pertaining to Mr. Taylor in violation of

Section 1681e(b).” Plaintiff’s Complaint, ¶ 42. Finally, Plaintiff alleges that as a result of Defendants alleged actions, they have been denied credit. Plaintiff’s Complaint, ¶ 15. These claims and allegations implicate the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (the “FCRA”).

3. Plaintiff also seeks damages for their injuries including “actual damages, plus attorney fees pursuant to 15 U.S.C. § 1681o.” Plaintiff’s Complaint, ¶ 52. These are damages potentially recoverable under the FCRA.

4. This Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331 since there is a federal question. As alleged, this suit falls within the FCRA which thus supplies this federal question.

5. Pursuant to 28 U.S.C. § 1441, *et seq.*, this cause may be removed from the Mahoning County Court of Common Pleas, State of Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division.

6. Pursuant to 28 U.S.C. § 1446(b), removal in this action is timely.

7. As of the date of this Notice of Removal, Defendants LVNV Funding, LLC (“LVNV”) and Resurgent Capital Services, L.P. (“Resurgent”) have been served. Counsel for Trans Union has contacted counsel for LVNV and Resurgent and he has consented to this removal as evidenced by the consent attached hereto as **Exhibit C**.

8. Notice of this removal has been filed with the Mahoning County Court of Common Pleas, State of Ohio and served upon all adverse parties.

WHEREFORE, Defendant Trans Union, LLC, by counsel, removes the subject action from the Mahoning County Court of Common Pleas, State of Ohio to this United States District Court, Northern District of Ohio, Eastern Division.

Dated: March 19, 2007

Respectfully submitted,

s/ Elizabeth J. Shively

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Lead Counsel for Trans Union, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF REMOVAL** has been filed electronically on the **19th day of March, 2007**. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing.

None	
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The undersigned further certifies that a true copy of the foregoing **NOTICE OF REMOVAL** was served on the following parties via First Class, U.S. Mail, postage prepaid, on the **19th day of March, 2007**, properly addressed as follows:

<u>for Plaintiff Mathew Taylor:</u> Ralph A. Zuzolo, Jr., Esq. 700 Youngstown Warren Road Niles, OH 44446	<u>for Defendants LVNV Funding, LLC and Resurgent Capital Services, L.P.:</u> Kevin R. Feazell, Esq. Cors & Bassett, LLC 537 E. Pete Rose Way, Suite 400 Cincinnati, OH 45202
Beth H. Henkel, Esq. Christopher T. Lane, Esq. Schuckit & Associates, P.C. 30 th Floor, Market Tower 10 W. Market Street, Suite 3000 Indianapolis, IN 46204	

s/ Elizabeth J. Shively

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